

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

June 24, 1999

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B of the General Assembly Building, Richmond, Virginia on Thursday, June 24, 1999 with the following members present:

Mr. Kirk T. Schroder, President
Mrs. Jennifer C. Byler
Mr. Mark C. Christie
Mrs. Audrey B. Davidson

Mrs. Ruby W. Rogers
Senator John W. Russell

Mr. Paul D. Stapleton, Secretary and
Superintendent of Public Instruction

Mr. Schroder called the meeting to order at 9:10 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Senator Russell gave the invocation and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Senator Russell made a motion to approve the minutes of the May 27 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Davidson and carried unanimously.

APPROVAL OF AGENDA

Item H, First Review of the Department of Education Budget Submission was moved to appear first on the agenda under Action/Discussion Items. Mr. Schroder has attended a number of high school graduations in which flags were presented; therefore, *Special Recognition of the Class of 1999*, was added to the consent agenda as *Item E*. Mrs. Rogers made a motion to approve the agenda as amended. The motion was seconded by Senator Russell and carried unanimously.

CONSENT AGENDA

The motion was made by Mr. Christie, seconded by Senator Russell and carried unanimously for approval of the consent agenda.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Loan Fund
- Exemption Request for the School Breakfast Program
- Special Recognition of the Class of 1999

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education recommended that: (1) Funding be released for four projects in the amount of \$18,700,000; (2) Funding for one project in the amount of \$7,500,000 be deferred and the project placed on the First Priority Waiting List; and (3) A supplemental application in the amount of \$2,500,000 be approved for New Churchville Elementary in Augusta County. The total of this project is \$7,500,00.

These recommendations were accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Wise County	Wise Primary	\$3,700,000.00
Wise County	J. W. Adams	5,000,000.00
Roanoke City	Addison Middle	5,000,000.00
Montgomery County	Elliston/Shawsville H. S.	5,000,000.00
	TOTAL	\$18,700,000.00

First Priority Waiting List

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Stafford County	Stafford Lakes Elementary	\$7,500,000.00
	TOTAL	\$7,500,000.00

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation for approval of one new application in the amount of \$7,500,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia* was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Stafford County	Stafford Lakes Elementary	\$7,500,000.00
	TOTAL	\$7,500,000.00

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of March 31, 1999, was accepted by the Board of Education's vote on the consent agenda.

Exemption Request for the School Breakfast Program

The Department of Education's recommendation to waive first review and to approve the exemption beginning in September 1999 and ending June 30, 2001, was accepted by the Board of Education's vote on the consent agenda.

Special Recognition of the Class of 1999

Mr. Schroder announced that he, other Board members, and the Superintendent of Public Instruction had attended a number of high school graduation ceremonies within the past several weeks. Mr. Schroder requested that the full Board acknowledge the graduating classes of the following high schools:

Mr. Schroder's graduation ceremonies:

Hanover County

Patrick Henry High School

Lee-Davis High School

Roanoke County

Cave Spring High School

Prince William County

Osbourn Park High School

Gar-Field High School

Virginia Beach

Tallwood High School

Kellum High School

Cox High School

Salem High School

Mr. Stapleton's graduation ceremonies:

Brunswick Senior High School

Colonial Beach High School

Nottoway High School

Mount Rogers High School

Mr. Christie's and Mrs. Noble's graduation ceremony:

VSDB at Hampton

Mr. Schroder announced that the Board presented a Flag of the Commonwealth to the graduating class of each of the above high schools. It was requested that the flags be flown over the schools in special honor and recognition of the Class of 1999.

RESOLUTIONS AND RECOGNITIONS

The Board presented resolutions of appreciation to the following:

- ▶ Recognition of the Summer Arts Conservatory at Radford University
- ▶ Recognition of the Virginia Congress of Parents and Teachers' Art Reflections Project
- ▶ Recognition of Henrico County Public Schools' Award for Continuing Excellence (ACE)
- ▶ Recognition of Virginia's Public Schools Receiving the U. S. Department of Education's 1999 Blue Ribbon Schools Awards
 - Cold Harbor Elementary School, Hanover County Public Schools
 - Jacob L. Adams Elementary School, Henrico County Public Schools
 - Kiptopeke Elementary School, Northampton County Public Schools
- ▶ Resolution of Appreciation for Mr. Vernon Wildy, Department of Education's Coordinator for the Blue Ribbon Schools Program.

ACTION/DISCUSSION ITEMS

First Review of 2000-2002 Biennial Budget for Direct Aid to Public Education

Dan Timberlake, Assistant Superintendent of Finance at the Department of Education, presented this item. The programs funded by the state in the Direct Aid to

Public Education budget are divided into four parts. The majority of this budget is comprised of the foundation education program known as the Standards of Quality. The Standards of Quality (SOQ) are established by the Constitution of Virginia. The remaining portions are the categorical programs, the incentive-based programs, and direct grants.

Mr. Timberlake said the 2000-2002 budget for Direct Aid to Public Education is being presented for first review. It will be presented at the July meeting for second review and for adoption by the Board subject to any technical changes to be made. The report will go to the Secretary of Education's office and the Department of Planning Budget for review and final recommendations before it is sent to the Governor's office. The Department of Planning and Budget and the Department of Education work closely on any technical changes that may be needed. Following a brief overview, the Board received the report for first review.

Mr. Timberlake introduced members of his staff: June Eanes, Budget Director; Kent Dickey, Associate Budget Director; and Brian Logwood, Education Finance Associate Specialist.

Recognition of Secretary of Education

Mr. Schroder recognized Mr. Wilbert Bryant, Secretary of Education. Secretary Bryant said he was happy to be at the meeting. He also recognized Mrs. Cheri Yecke, Deputy Secretary of Education who is in attendance at all of the Board of Education meetings.

First Review of State Plan for Vocational Education and Approval for Public Hearings

This item was presented by Dr. Neils Brooks, Director of Vocational Education at the Department of Education. The Carl D. Perkins Vocational and Technical Education Act of 1998, requires the State Board of Vocational Education to review the plan, hold public hearings, and provide an opportunity for interested parties to make comments on the State Plan. The State Board of Vocational Education must also approve the final State Plan.

The State Plan includes legislative requirements, identified needs of secondary and postsecondary vocational technical education, allocation of funds (including required and permissive uses of funds) local school boards' applications for funding, cooperative interagency agreements, public hearing comments (TBA), and appropriate appendices.

U. S. Department of Education approval of the FY 2000-04 State Plan for Vocational and Technical Education will provide approximately \$25,701,501 annually for secondary and postsecondary vocational technical education in Virginia.

Mrs. Davidson made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously.

Mrs. Davidson made a motion to authorize the proposed plan of the FY 2000-04 State Plan for Vocational and Technical Education to go out for public comment and to authorize the president of the Board to set an appropriate date, in consultation with the Superintendent, for public hearings and, after public hearings, to go back and make final changes. The motion was seconded by Mrs. Rogers and carried unanimously.

Dr. Brooks introduced two members of his staff who worked with him on this project: Mr. James Gray, Associate Director of Vocational Education and Mrs. Lolita Hall, Program Improvement Specialist for Vocational Education.

First Review of Nominations to the Advisory Board for Teacher Education and Licensure (ABTEL), Effective July 1, 1999 to July 1, 2002

This item was present by Dr. Thomas Elliott, Assistant Superintendent, Teacher Education and Professional Licensure at the Department of Education. Section 22.1305.2 of the *Code of Virginia* requires that appointment to ABTEL be made by the Board of Education. The members of the Advisory Board are appointed for three-year terms and may serve two consecutive terms.

Mrs. Rogers made a motion to waive first review of the nominations received for the nine vacancies and *reappoint* the following members for a second three-year term, effective July 1, 1999-July 1, 2002 as recommended by the Superintendent. The motion was seconded by Mrs. Davidson.

- Classroom Teacher (Elementary) Representatives: (1) Susan Adair Cook, Elementary Guidance Counselor, Prince William County Schools; (2) Amy Dobler, Elementary Teacher, Chesterfield County Schools.
- Classroom Teacher (Middle) Representative: Kimberly Loy, Middle School Teacher, Rockbridge County Schools
- Classroom Teacher (Secondary) Representative: Mary McCauley, Secondary Teacher, Stafford County Schools
- School Board Representative: Mychele Brickner, Fairfax County School Board Member
- School Principal Representative: Holly Hawthorne, Principal, Arlington County Schools

Mrs. Rogers made a motion to waive first review of the nominations received for the nine vacancies and *appoint* the following first term members to the Advisory Board on Teacher Educational and Licensure, effective July 1, 1999 to July 1, 2002 as recommended by the Superintendent. The motion was seconded by Mrs. Davidson and carried unanimously.

- Classroom Teacher (Elementary) Representative: Nancy Miller, Elementary Teacher, Henrico County Schools
- Personnel Administrator Representative: Winston Odom, Executive Director, Human Resources and Administration, Hampton City Schools
- Parent Teacher Association Representative: Jill Englebright Fox, Assistant Professor, Virginia Commonwealth University

Final Review of ABTELs Recommendations on Cut-Scores for Sixteen Praxis II Beginning Teacher Assessments

Dr. Thomas Elliott presented this item to the Board. Dr. Elliott stated that during the May meeting the Board received the recommendations of the Advisory Board that were presented by Mychele Brickner, Chair of ABTEL. She presented an overview of the process and concluded by recommending the approval of sixteen Praxis II cut-scores in a variety of academic areas.

In examining ABTEL's recommendation presented to the Board, the Superintendent supports the cut-scores as proposed by ABTEL in fifteen areas. However, for the English Language, Literature, and Composition, the Content Knowledge Test (0041), the Superintendent of Public Instruction is recommending that the cut-score be set at 172. This recommendation is contrary to the recommendation of the advisory board. Dr. Elliott said that because this is not reflective of ABTEL's recommendation, he shared with the Board a copy of *The Superintendent's Rationale for the Study Value for Praxis II in English Language, Literature, and Composition: Content Knowledge Test Code 0041*. (See Attachment A).

The Superintendent's recommendation is that the Board of Education accept ABTEL's recommendation relative to cut scores for 15 Praxis II beginning teacher tests and increase the study value of the English Language, Literature, and Composition, Content Knowledge test by three additional standard errors of measurement (s.e.m.) resulting in a cut score of 172 [In administering this recommendation, scores on either the currently required test (NTE specialty area tests) or the proposed tests (Praxis II subject to content tests) would be accepted for licensure through September 30, 2000.]

Mr. Christie made a motion to adopt the Superintendent's recommendations. The motion was seconded by Mrs. Davidson and carried unanimously. (See attachment B for a list of the cut-scores, as adopted.)

Mr. Christie said that just as we have set higher expectations for students in English, math, science and history and hold schools accountable for students achievement in English, math, science and history, we should also set higher standards for teachers in those subject areas. Mr. Christie asked if the contractor will defend the Board in court should the need arise on the three recommended scores made by ABTEL in math, science and history and the recommendation in English made by the Superintendent. Dr. Elliott

said that the contractor has assured his staff that the Board would be supported in court if the need arises. Dr. Elliott introduced Mr. Mehrl Martin, Senior Representative from Educational Testing Service (ETS), who works closely with Virginia. Mr. Martin agreed with Dr. Elliott that they would be supportive should the need arise.

Mrs. Byler asked why Marketing Education scores for Virginia are lower compared to the top scores in other states. Dr. Elliott said that each of the scores are determined using the criteria for that particular test. The major factor is that all of vocational education results in Virginia are relatively low because the match studies conducted by the contents staff indicated that the test ETS used was not compatible with the focus in Virginia. ETS has acknowledged that their vocational assessments are relatively old. At a recent client meeting, ETS provided data as to when the new test in the vocational areas would be available. ABTEL's reasoning was that they would go with the study value recommended by the panel in 1995 with the understanding that as soon as ETS has the new versions of these tests available, ABTEL will come before the Board and ask for a new validation standard setting process and different scores may be recommended as a result.

Mr. Schroder said it is important to acknowledge that Virginia's public education system is blessed with many outstanding teachers. He has visited a lot of classrooms and has seen wonderful things going on in classrooms as a result of the dedication and hard work of our teachers. He thinks that the Board's action today is an attempt to set a solid foundation for new teachers that enter the classroom by making sure they are fully prepared in light of the new reforms being implemented in Virginia. He also said that we will do a great disservice to teachers who are less than prepared the first day they go into the classroom and then have to work with them for their continuing development, which is always a sensitive subject. He thinks the Superintendent is correct in putting emphasis on basic skills and making sure teachers have that.

First Review of Waivers for Charter Schools for Board of Education Regulations Pursuant to '22.1-212.7 of the Code of Virginia

Dr. Yvonne Thayer, Policy Analyst, Policy and Public Affairs at the Department of Education presented this item. During August, September, and October, 1998, each assistant superintendent met with his/her staff to review all of the regulations that applied to his/her division. Each division submitted its analysis of the regulations and met with the Policy and Public Affairs staff to review the recommendations. It was found that the majority of Board of Education regulations were either available presently for waiver, or it appeared that they could not be waived for safety reasons or because they were driven by state or federal laws.

The Board of Education has three options regarding this procedure: (1) the Board of Education can create a blanket waiver for all waivable regulations for charter schools; (2) the Board of Education can waive some regulations for all charter schools and not act on other regulations until a school board makes a request on behalf of a charter school; or

(3) the Board of Education can choose to take no action on release from regulations until a request is made by a local school board.

Mr. Christie made a motion to adopt a blanket waiver of the regulations identified by staff as waivable for charter schools and also to provide ongoing review as new regulations are proposed. The motion was seconded by Mrs. Byler and carried unanimously. (See Attachment C for a list of the regulations identified as waivable for charter school purposes.)

Mr. Stapleton recognized all Department of Education staff present, indicating that everyone worked together on this project.

Update on Alternate Assessment for Students with Disabilities

Mr. Doug Cox, Director of Special Education at the Department of Education, presented this item. Mr. Cox said the purpose of this item is to provide the Board with an update on one of the new requirements under the 1998 amendments to the Individual Disability Education Act (IDEA).

The 1998 Amendments to the IDEA require that each state develop a system of alternate assessment for children with disabilities who cannot participate in state and district-wide assessment programs. As a first step in implementing this requirement, the Board included language in the 1997 SOA revisions stating that, "Evaluating the performance of schools shall take into consideration the percentage of eligible students who achieve a passing score on the prescribed SOL tests or, for those students with disabilities who cannot participate in the SOL tests, a proficient level score on an alternative assessment prescribed by the Board (beginning with school year 2000-2001)..." The requirement will also be incorporated into the revised state special education regulations.

Mr. Christie discussed with Mr. Cox the difference between the Certificate of IEP Achievement and the Standard Diploma as described in the Standards of Quality. After a brief discussion, the Board received the report.

First Review of School Crisis and Emergency Management Plan

Ms. Arlene Cundiff, Specialist, Youth Risk Prevention in the Office of Compensatory Programs at the Department of Education, presented this item. The 1999 General Assembly passed Senate Bill 827. This bill amended and reenacted '22.1.278.1 of the *Code of Virginia*. '22.1.278.1 was amended to add the requirement that every school shall develop a written school crisis and emergency management plan. School safety audits were already required. This legislation expands upon the previous requirement. Further, the Board of Education was directed to develop a model school crisis and emergency management plan. The school crisis and emergency management plan shall be developed and operational by July 1, 2000.

Ms. Cundiff briefly reviewed the draft copy of the school crisis and emergency management plan that was distributed to the Board for review. Ms. Cundiff explained the procedures the Department of Education used to develop this comprehensive model plan, and she noted that a number of local divisions contributed to its development.

Mrs. Davidson made a motion to waive first review. The motion was seconded by Senator Russell and carried unanimously.

Senator Russell made a motion to adopt the Model School Crisis Management Plan. The motion was seconded by Mrs. Byler and carried unanimously.

Ms. Cundiff stated that the model plan will now be printed and widely distributed for use in the school divisions throughout the state. Mr. Schroder thanked Ms. Cundiff for her work and noted that this model plan was seen as a high priority and that it will now be distributed and in use one year earlier than the date specified in '22.1.278.1.

PUBLIC COMMENT

The following persons spoke during public comment:

Linda Sue Gardner

Catta

DISCUSSION OF CURRENT ISSUES

In reference to the public comment made by Linda Sue Gardner about the School Report Card, Mr. Christie asked Diane Atkinson to let the Board members know at the next meeting if there is anything that can be done at the state level to clarify the definitions contained in the reports on crime and violence on school property. If there is evidence that clarification is called for, the Board will take the appropriate measures. Mr. Schroder said that at some point we have to trust localities to cooperate with the state guidelines or make the decision not to cooperate. Mrs. Atkinson said one of the things done at the May meeting was to require a certification statement from school divisions relating to the fact that what they are reporting is consistent with the guidelines.

Mr. Schroder asked if the certification statement carries a penalty of perjury. Mrs. Atkinson said certification statements are practices that the Department of Education uses consistently with the school divisions in order to receive data. Mrs. Atkinson stated that we are sure that local school officials are aware that what stands behind that data is their reputation.

Mr. Christie asked if information will be sent to all school divisions to be sure the definitions and rules are clear and consistent. Mrs. Atkinson said a Supt. Memo will be sent to school divisions to reflect the data they need to report for this upcoming school year. The Supt. Memo will also include the certification statement and the definitions and information on how data will be reported, starting with the School Report Card in 2000.

ADJOURNMENT

There being no further business, Mr. Schroder adjourned the meeting of the Board of Education and the Board of Vocational Education at 12:16 p.m.

President

Secretary of the Board